

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: April 15, 2019

+ **CRL.M.C. 2018/2019 & CRL.M.A. 7989/2019**

RAVINDER SHARMA @ JOHN Petitioner
Through: Mr. Vinay Kumar, Advocate.

Versus

STATE GOVT. OF NCT OF DELHI & ANR Respondents
Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State
with ASI Raham Singh
Mr. Ashish Arya, Advocate with
respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 39/2018, under Sections 324/341 of IPC, registered at Police Station Sangam Vihar, Delhi is sought on the basis of affidavit of 11th April, 2019 of respondent No. 2 and on the ground that the misunderstanding which led to registration of the FIR in question, now stands cleared between the parties.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that offence under Section 326 of IPC has been added and attention of this court has been drawn to the MLC of respondent No.2/Injured. Respondent No. 2 present in the Court, is the complainant/first-informant of FIR in question and he has been identified to be so, by ASI Raham Singh, on the basis of identity proof produced by

him.

Respondent No. 2 present in the Court, submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties. He affirms the contents of his aforesaid affidavit of 11th April, 2019 supporting this petition and submits that now, no grievance against petitioner survives and so, to restore cordiality between the parties, who are friends, proceedings arising out of the FIR in question be brought to an end.

Supreme Court in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat* (2017) 9 SCC 641 has reiterated the parameters for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of FIR / criminal proceedings, which are as under:-

“16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice.”

Upon hearing and on perusal of the FIR of this case and the MLC of respondent No. 2/Injured, I find that the offence made out against

petitioner does not come within the ambit of Section 326 of IPC. In the facts and circumstances of this case, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties.

Accordingly, this FIR No. 39/2018, under Sections 324/341 of IPC, registered at Police Station Sangam Vihar, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioner.

This petition and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

APRIL 15, 2019

v



सत्यमेव जयते